

Interim Suspension - Decision of the Standards Commission for Scotland

GENERAL

Section 21 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the Act) provides the Standards Commission with the power to impose an interim suspension on a councillor or member of a devolved public body on receipt of an interim report from the Ethical Standards Commissioner (ESC) on an ongoing investigation.

The Standards Commission's Interim Suspension Pending Completion of Investigation Policy ([available here](#)) outlines how the Standards Commission makes any decision under Section 21 of the Act, and the procedures it will follow in doing so. The Panel comprising of three members of the Standards Commission tasked with reviewing this interim report, as provided by the Policy, is:

- Malcolm Bell;
- Morag Ferguson; and
- Suzanne Vestri

It should be noted that the imposition of an interim suspension by a Panel should be seen neither as a finding on the validity of any allegations against the councillor or member concerned, nor a disciplinary measure.

INTERIM REPORT

Councillor Ian Carruthers

The Standards Commission received an interim report from the ESC, dated 28 July 2025, concerning a complaint he had received about the conduct of Councillor Ian Carruthers of Dumfries and Galloway Council.

The ESC advised that he had accepted 21 issues of complaint for investigation. These concerned the Respondent's conduct towards Council officers, and allegations that he became inappropriately involved in operational matters, sought preferential treatment and attempted to pressure officers in order to circumvent quasi-judicial and regulatory processes.

The ESC advised that he was investigating whether Councillor Carruthers had failed to comply with the Councillors' Code of Conduct (the Code) and, in particular, whether he had contravened the following provisions:

Respect and Courtesy

3.1: I will treat everyone with courtesy and respect. This includes in person, in writing, at meetings, when I am online and when I am using social media.

3.3: I will not engage in any conduct that could amount to bullying or harassment (which includes sexual harassment). I accept that such conduct is completely unacceptable and will be considered to be a breach of this Code.

3.4: I accept that disrespect, bullying and harassment can be: a) a one-off incident, b) part of a cumulative course of conduct; or c) a pattern of behaviour.

3.5: I understand that how, and in what context, I exhibit certain behaviours can be as important as what I communicate, given that disrespect, bullying and harassment can be physical, verbal and non-verbal conduct.

3.6: I accept that it is my responsibility to understand what constitutes bullying and harassment and I will utilise resources, including the Standards Commission's guidance and advice notes, council policies and training material (where appropriate) to ensure that my knowledge and understanding is up to date.

3.7: I will not become involved in operational management of my council's services as I acknowledge and understand that is the responsibility of its employees.

3.8: I will not undermine any individual employee or group of employees, or raise concerns about their performance, conduct or capability in public.

3.9: I will not take, or seek to take, unfair advantage of my position in my dealings with employees or bring any undue influence to bear on employees to take a certain action. I will not ask or direct employees to do something which I know, or should reasonably know, could compromise them or prevent them from undertaking their duties properly and appropriately.

3.10: I will follow the Protocol for Relations between Councillors and Employees at Annex A and note that a breach of the Protocol will be considered a breach of this Code. I will also comply with any internal protocol the Council has on councillor / employee relations.

Use of Council Resources

3.25: I will not use, or in any way enable others to use, council resources: a) imprudently (without thinking about the implications or consequences); b) unlawfully; c) for any party political or campaigning activities or matters relating to these; or d) improperly.

Dealings with my council and Preferential Treatment

3.26: I will not use, or attempt to use, my position or influence as a councillor to: a) improperly confer on or secure for myself, or others, an advantage; b) avoid a disadvantage for myself, or create a disadvantage for others; or c) improperly seek preferential treatment or access for myself or others.

3.27: I will avoid any action which could lead members of the public to believe that preferential treatment or access is being sought.

3.28: I will advise employees of any connection, as defined at Section 5, I may have to a matter, when seeking information or advice or responding to a request for information or advice from them.

Community engagement

6.3: I will undertake such work in an open and transparent manner. I will not express an opinion on a quasi-judicial or regulatory application that I might later be asked to determine. I accept that if I do express such an opinion, I will have to declare an interest and will not be able to take part in the decision-making.

Lobbying

6.4 In deciding whether, and if so how, to respond to such lobbying, I will always have regard to the objective test, which is whether a member of the public, with knowledge of the relevant facts, would reasonably regard my conduct as being likely to influence my, or my council's, decisions.

Lobbying in Quasi-judicial or Regulatory Matters

6.5 If I am approached directly by an individual or organisation who is seeking to do business with my council or who is involved in a quasi-judicial or regulatory matter (such as an applicant or an objector), I WILL: a) have regard to Section 7 of this Code; b) advise that individual or organisation that I cannot formulate an opinion or support their position if I am going to take part in the decision-making on the matter; and c) direct any representations I receive to the appropriate council employee or department.

I WILL NOT: d) lobby or otherwise exert pressure or influence on employees, other councillors, or members of a quasi-judicial or regulatory committee, to recommend or make a specific decision in respect of a quasi-judicial or regulatory matter. I understand that I am entitled to seek information from employees but that I must not lobby them, to either make or recommend a particular decision; e) use political group meetings to decide how I and other councillors should vote on such matters or on individual staffing issues, such as the appointment or discipline of an employee; f) comply with political group decisions on such matters if these differ from my own views.

The ESC reported that statements supporting the complaint has been received from the Complainer (the Council's Chief Executive) and three other senior officers, all of whom described the persistent nature of the Respondent's conduct and the resulting pressures being placed on officers and teams within the Council. The witnesses contended that the Respondent continued to display the type of behaviours that were the subject of the complaint, despite having been warned his conduct could potentially amount to a breach of the Code.

The ESC advised that, when the Respondent was informed a complaint alleging that he had bullied officers was being submitted, he contacted a senior officer and challenged him about it. The ESC explained that while the senior officer contacted was not involved in the complaint, the Complainer was concerned that the Respondent might contact other officers who are involved, which could result in them disengaging from the investigation process, to avoid retaliation or other consequences. The ESC advised, therefore, that he

considered there was a risk that, if an interim suspension was not imposed, the Respondent could contact potential witnesses, which in turn could compromise or prejudice the investigation.

The ESC further advised that the alleged breaches were serious in nature and included allegations of threatening and intimidating behaviour. The ESC explained that the impact and potential consequence of the alleged breaches were also serious, with the Complainer and the officers who submitted supporting statements having described how their professional and personal lives were being negatively impacted. The ESC noted that these witnesses had also contended that their ability to fulfil their roles effectively was being compromised as a result of the Respondent's persistent conduct. The ESC noted that such an impact could affect the overall performance of the Council. The ESC additionally noted that public confidence in the Council could be adversely affected if the alleged conduct continued while the complaint was being investigated.

Following a request from the Standards Commission, the ESC indicated that he expected to be able to conclude the investigation by 25 February 2026.

REPRESENTATIONS FROM COUNCILLOR CARRUTHERS

In accordance with its Policy, the Standards Commission sent a copy of the interim report to Councillor Carruthers on 28 July 2025. The Standards Commission invited Councillor Carruthers to submit, within five days, any representations he wished to make on:

- The interim report; and
- Whether an interim suspension should be imposed.

Councillor Carruthers did not respond to this invite or submit any representations. The Panel noted that this meant it was unable to assess his position in respect of the impact any interim suspension may have on him.

DECISION

The Panel began by assessing whether it was in the public interest and proportionate to impose an interim suspension. The Panel accepted that doing so could potentially have a negative impact on Councillor Carruthers' reputation (though it noted he had not made any representations in this regard). It agreed, however, that the allegations were of such an extensive and serious nature that it was evident that, if true, they would have had a significant detrimental impact on individual officers and teams within the Council and further on the reputation of the Council as a whole, in addition to the potential of it suffering financial losses as a result of legal challenges or claims. The Panel agreed that while the allegations had not yet been fully investigated by the ESC and, as such, were unsubstantiated, they were wide ranging and covered numerous different aspects and provisions in the Code. The Panel was satisfied therefore that, if upheld to any extent, the complaint was likely to attract a more severe sanction than a censure.

Given the fact that the ESC had found he had done so previously, the Panel was concerned that Councillor Carruthers may try to interfere with, or take steps against, council officers, who were potential witnesses if he was allowed to continue as an elected member while the investigation into the complaint made against him was ongoing. The Panel agreed that this, in turn, could have an intimidatory impact and inhibit officers from co-operating with the ESC's investigation, or, if they did, from giving full and frank witness statements in response. The Panel was satisfied, therefore, that the further conduct of the ESC's investigation was likely to be prejudiced if an interim suspension was not imposed.

In assessing the possible consequences of not imposing an interim suspension the Panel considered there was:

- the potential for behaviour that could amount to a breach of the Code to continue during the course of the investigation;
- a clear possibility of ongoing harm, stress and anxiety to the Complainer and other officers; and
- a risk that allowing Councillor Carruthers to continue to act in the meantime could further damage his relations with officers which, in turn, could adversely affect their performance and that of the Council as an entity or result in financial loss.

The Panel determined, therefore, that it was in the public interest and proportionate to impose an interim suspension to mitigate against these risks, in order to protect others and enable the Council to function effectively, and suspended Councillor Carruthers from Dumfries and Galloway Council.

Having noted that the ESC had advised that it was unlikely that the investigation would be completed before February 2026, the Panel determined that the suspension should, in the first instance, be for a period of up to three months, commencing on 11 August 2025.

Advice on the extent of the activities in which a councillor can engage while they are subject to a period of full suspension (either on the finding of a breach of the Code at a Hearing or as an interim measure while an investigation about their conduct is ongoing) can be found in the Standards Commission's Suspension Guidance. A copy of the Guidance is on the Standards Commission's website at:

<https://www.standardscommissionscotland.org.uk/cases/details-of-alleged-breach>

REVIEW

If the investigation does not conclude within the period of the interim suspension, the Standards Commission will consider renewing it, in terms of Section 21(10) of the Act. In making a decision about whether or not to renew the interim suspension, the Standards Commission will again consider the factors as outlined under Section 3 of its Interim Suspension Pending Completion of Investigation Policy.

Date: 7 August 2025



LORNA JOHNSTON
Executive Director